

Application Serial No.: 09/442,646
Reply to Office Action dated December 4, 2003

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-25 are presently active in this case.

Claims 6-8, 16-18, and 23 are allowed. Claim 25 has been indicated as being allowable if rewritten in independent form.

The Applicants want to thank Primary Examiner Wallerson for the courtesies extended to Applicant's representative, Christopher Ward, during the personal interview conducted on February 3, 2004.

In the outstanding Official Action, Claims 1-5, 9-15, 19-22, and 24 were rejected under 35 U.S.C. 102(e) as being anticipated by Applegate et al. (U.S. Patent No. 5,995,774). For the reasons discussed below, the Applicant traverses the anticipatory rejection.

In the Office Action, the Applegate et al. reference is indicated as anticipating each of Claims 1-5, 9-15, and 19-22. However, the Applicants note that a claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). As will be demonstrated below, the Applegate et al. reference clearly does not meet each and every limitation of the independent Claims 1, 10, 19, 21, and 22.

Claim 1 of the present application recites a method of determining whether a storage unit in an ink cartridge is normal, which includes a step of reading a piece of ink related information and identifying whether the read-out piece of ink related information satisfies the predetermined format, so as to determine whether the storage unit is normal or whether the

storage unit is not normal if the read-out piece of ink related information has been destroyed. Claim 10 recites a printer comprising a reading unit reading a piece of ink related information from a storage unit, and a decision unit identifying whether the read-out piece of ink related information satisfies the predetermined format so as to determine whether the storage unit is normal or whether the storage unit is not normal if the read-out piece of ink related information has been destroyed. Claim 21 recites a computer readable recording medium, on which a specific computer program is recorded that is used to determine whether a storage unit is normal. The specific computer program comprises a program code that causes a computer to read a piece of ink related information, a program code that causes the computer to identify whether the read-out piece of ink related information satisfies the predetermined format, and a program code that causes the computer to determine that the storage unit is not normal in the case where the read-out piece of ink related information does not satisfy the predetermined format if the read-out piece of ink related information has been destroyed. And Claim 22 recites a method of determining whether a readable and writable storage unit is normal comprising the steps of reading a piece of ink related information from the storage unit, and determining whether the storage unit is normal based on the read-out piece of ink related information or whether the storage unit is not normal if the read-out piece of ink related information has been destroyed.

The Applicants respectfully submit that the Applegate et al. reference does not disclose any type of determination as to whether a storage unit is not normal if a read-out piece of ink related information is destroyed, as recited in pending independent Claims 1, 10, 21, and 22.

The Applicants submit that the Applegate et al. reference describes an identification

method that includes a determination as to whether a ROM provided with a cartridge is an appropriate ROM. This identification is implemented by determining whether the EPROM header contains family device code information that is supported by the printer.

The Applicants note that the Applegate et al. reference does not determine whether an EPROM is a suitable EPROM based upon *ink related information*, but rather based upon a kind of identification information, namely a particular family device code.

Additionally, the Applegate et al. reference does not make a determination as to whether that information is *destroyed*, but rather whether that information corresponds to family device code information supported by the printer. Note that many different viable family device codes may not be supported by the printer of the Applegate et al. reference, and thus may be rejected even though they are not destroyed. The family device code can be used as an identification, but cannot be used for determination information indicating whether an EPROM is operating normally or has been destroyed.

The Applegate et al. reference neither discloses nor suggests a method, printer, or computer readable recording medium in which a determination is made regarding whether a storage unit is not normal if a read-out piece of ink related information is destroyed. To the contrary, the present invention as recited in Claims 1, 10, 21, and 22 requires the determination of whether a storage unit is normal based on the ink related information or whether it is not normal if the ink related information has been destroyed. Thus, the Applicants respectfully submit that Claims 1, 10, 21, and 22 are not anticipated by the Applegate et al. reference.

Claim 19 recites a storage unit comprising, among other features, an address counter that outputs a count in response to a clock signal output from the printer. The Applicants

Application Serial No.: 09/442,646
Reply to Office Action dated December 4, 2003

submit that the Applegate et al. reference does not disclose such a feature.

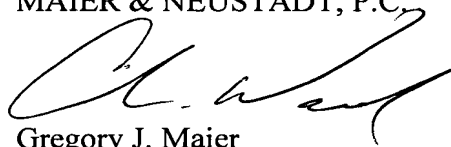
The Official Action cites column 2, lines 46-59, of the Applegate et al. reference for the teaching of the storage unit recited in Claim 19 of the present application. However, the Applicants submit that this portion of the Applegate et al. reference makes no mention of a clock signal output from the printer. Accordingly, the Applicants submit that the Applegate et al. reference clearly does not disclose an address counter that outputs a count in response to a clock signal output from the printer. Thus, the Applicants respectfully submit that the Applegate et al. reference does not anticipate Claim 19 of the present application.

Accordingly, the Applicants respectfully request the withdrawal of the anticipation rejection of Claims 1, 10, 19, 21, and 22, and the claims that depend therefrom.

Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Registration No. 25,599
Attorney of Record

Customer Number

22850

Tel. (703) 413-3000
Fax. (703) 413-2220

GJM:CDW:brf

I:\atty\cdw\4947\4947 0087\am3.doc

Christopher D. Ward
Registration No. 41,367